

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/669,922	SHARPS, CHESTER H.
	Examiner	Art Unit
	Victor K. Hwang	3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the application as filed and subsequent IDS's.
2.  The allowed claim(s) is/are 1,3,4 and 8-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/2/03 & 8/18/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 20060609
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

JEROME DONNELLY  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David E. Baker on June 9, 2006.

2. The application has been amended as follows:

**In the Specification:**

- A) Paragraph [032], line 3, replace "allow" with --allows--.
- B) Paragraph [033], line 33, replace "corporation" with --cooperation--.

**In the Claims:**

- A) Cancel claims 2 and 5-7.
- B) Amend claim 1 as follows:

1. (Currently Amended) An exercise device comprising:
  - a frame;
  - a yoke assembly affixed to the frame, the yoke assembly including:
    - a yoke configured for engagement by a user in an exercise orientation;
    - a support arm affixed to the yoke at a rotational joint, the support arm having a support arm rotational axis[;],

the support arm being selectively adjustable relative to the frame to provide the support arm rotational axis with a selected forward inclination and a selected posterior/lateral inclination,

the support arm being further adjustable to an exercise height for the user;

a guide support to which the support arm is selectively, slidably affixed;

a flywheel affixed on the support arm; and  
a resistance apparatus affixed to the flywheel, the resistance apparatus including a resistance, wherein a force applied to the yoke causes rotational movement of the yoke around the support arm rotational axis and further causes rotational movement of the flywheel which in turn causes the movement of the resistance relative to the force applied.

**C)** Amend claim 3 as follows:

3. (Currently Amended) The exercise device of claim 1 [[2]], wherein the forward inclination is about 30 degrees.

**D)** Amend claim 4 as follows:

4. (Currently Amended) The exercise device of claim 1 [[2]], wherein the posterior inclination is about 10 degrees.

**E)** Amend claim 8 as follows:

8. (Currently Amended) The exercise device of claim 1 [[7]], wherein the frame further includes a horizontal support bar.

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose or make obvious an exercise device wherein a yoke assembly includes a support arm that is selectively adjustable relative to the frame to provide a selected forward inclination, a selected posterior/lateral inclination, and an adjustable exercise height wherein the support arm is selectively and slidably affixed to a guide support.

*Johnson* discloses a support arm that is selectively adjustable to a forward inclination, a posterior/lateral inclination and is height adjustable, but does not disclose that a guide support to which the support arm is selectively, slidably affixed.

*Douglas et al.* disclose a support arm that is height adjustable for a user and is slidably affixed to a guide support, but is not considered to be a selective, slideable engagement with the guide support.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang  
June 9, 2006